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FOUNDED 1866

October 10, 2007

VIA ELECTRONIC FILING

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
236 Massachusetts Avenue, N.E.
Suite 110
Washington, DC 20002

Re: *Ex Parte* Presentation, Third Periodic Review of the Commission's Rules
and Policies Affecting the Conversion to Digital Television
MB Docket No. 07-91

Dear Ms. Dortch:

On Thursday, October 4, 2007, Andy Bater of Tribune Broadcasting Company ("Tribune") and the undersigned met with the following Commission personnel: Eloise Gore, Clay Pendarvis, Nazifa Sawez, Gordon Godfrey, Maureen McCarthy, John Gabrysch, Kevin Harding, Evan Baranoff and Shaun Maher (via telephone). The parties discussed the various issues raised in Tribune's Comments, Reply Comments and Ex Parte Comments in the above-referenced proceeding. The attached materials were also reviewed during the meeting.

As required by the FCC's rules, one copy of this letter is being filed electronically in the above-referenced docket. Please direct any questions regarding this matter to the undersigned.

Sincerely yours,

Thomas P. Van Wazer

Attachments



Ms. Marlene H. Dortch
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cc: Eloise Gore (via e-mail, w/o attachments)
Clay Pendarvis (via e-mail, w/o attachments)
Nazifa Sawez (via e-mail, w/o attachments)
Gordon Godfrey (via e-mail, w/o attachments)
Maureen McCarthy (via e-mail, w/o attachments)
John Gabrysch (via e-mail, w/o attachments)
Kevin Harding (via e-mail, w/o attachments)
Evan Baranoff (via e-mail, w/o attachments)
Shaun Maher (via e-mail, w/o attachments)

Although the NPRM contains a number of laudable policies that will undoubtedly assist broadcasters in providing a more seamless transition, there are several temporary proposals that the Commission should adopt to ensure that broadcasters have the necessary flexibility to address the real world issues that will arise as the analog shutdown approaches. Some of these proposals are already in the NPRM but should be modified slightly to make them more effective in ensuring a smooth transition. As discussed more fully below, the Commission should:

- (i) slightly modify the proposed interference protection standard by allowing stations to cause a one-time total of 0.5 percent new, incremental interference to surrounding stations regardless of the level of interference caused by the station's allotment in the DTV table (pp. 4-6);
- (ii) accept and act upon applications from stations to increase service areas well before the analog shutdown to give these stations sufficient time to purchase and install post-transition equipment dependent on the configuration of the service area (i.e., antennas, etc.). Service area increases that comply with the interference rules are in the public interest because they increase/improve service to the public (pp. 6-8);
- (iii) even if the Commission decides not to accept and/or act upon all applications to increase service areas well before the analog shut-down, it must act on these applications from stations returning to their analog channels for post-transition DTV operations. Many of these stations plan to use their analog antennas post-transition but face the prospect of significant service losses because the unbuildable, "theoretical" pattern in the DTV Table Appendix B does not match their analog antenna pattern (pp. 8-10);
- (iv) if it decides to postpone accepting and/or acting on applications to increase service area before the analog shut-down, the Commission should waive the post-transition build-out requirements for any station filing a service area increase application for a period of one year from the date it acts on the application. Stations cannot finalize DTV equipment purchases without Commission action providing post-transition service area certainty (pp. 10-12);
- (v) allow stations operating with side-mounted digital antennas and top-mount post-transition DTV allotments to operate temporarily with their side-mounted, pre-transition DTV facilities up to one year provided that acceptable replication is provided (although sometimes less than 100 percent). This policy will allow these stations to remove and replace their top-mounted analog antennas without severely compromising pre-transition analog coverage (pp. 13-17);
- (vi) allow stations the flexibility to reduce analog power temporarily by as much as 50 percent in the year leading up to February 17, 2009 in order to facilitate the build-out and start-up of post-transition DTV facilities on a timely basis. Authority up to 50 percent is

needed in at least some instances because several Tribune stations will have to remove and retune one of their analog transmitter cabinets in order to be ready by February 17, 2009;

(vii) market forces provide powerful incentives for stations not to abuse any discretion provided by the Commission to reduce their analog power levels more than absolutely necessary given that analog service will be the primary revenue generating programming stream until the analog shut-down (pp. 20-22);

(viii) adopt the latest ATSC DTV transmission standard A/53 Revision E with Amendments No. 1 and 2 and the updated A/65-C Program System and Information Protocol ("PSIP") standard (pp. 22-24);

(ix) require that MVPDs using downconverting equipment at the headend deploy the necessary decoding equipment to respond to any Active Format Description ("AFD") information included in a broadcaster's transport stream and then pass that information on to their customers. This will avoid problems such as the postage stamp picture and ensure that their subscribers continuously see widescreen programming in an optimized format (i.e., center cut or letter box) for their 4x3 sets (pp. 23-26);

(x) eliminate the required 1 dB power reduction in the rules for stations proposing to use beam-tilting in excess of 1 degree. *See* 47 C.F.R. §73.622(f)(4). This provision was adopted by the Commission at the time when UHF DTV stations could only maximize up to 200 kW and became unnecessary when the Commission subsequently allowed maximizations up to 1 MW. This rule change is important at this stage of the transition because beam-tilting can be used to enhance the likelihood of indoor DTV reception without increasing interference to nearby stations (pp. 27-30);

(xi) remove the power limitation imposed on VHF stations in Zone 1. The power limit is a relic of a bygone era where the Commission relied on spacing rules to limit interference between markets and stations (pp. 31-32);

(xii) correct an acknowledged error in the OET 69 processing code that erroneously predicts interference by assuming that a station's main transmitted signal is aimed at the ground approximately one kilometer from the station's transmitter site (pp. 32-33);

(xiii) allow stations to retain the benefit of any pre-transition interference agreements by allowing post-transition service area increases causing more than the 0.5 interference protection standard would otherwise allow provided it complies with the agreement sent (pp. 33-35);

(xiv) allow stations to enter into new interference agreements, provided no station agrees to accept interference in aggregate to more than 10 percent of the population predicted to be served by its authorized/assigned DTV facilities. Interference agreements can allow stations to resolve many issues complicating the build-out with minimal staff involvement (pp. 35-37).

Tribune Broadcasting

FCC should change interference protection standard to enable 0.5% new interference regardless of interference in the DTV Table;

Accept and act upon applications from stations to increase service areas well before the analog shutdown to give these stations sufficient time to purchase and install post-transition equipment dependent on the configuration of the service area (i.e., antennas, etc.). This is extremely important for stations returning to their analog channels for post-transition DTV operations.

If it decides to postpone accepting and/or acting on applications to increase service area before the analog shut-down, the Commission should waive the post-transition build-out requirements for any station filing a service area increase application for a period of one year from the date it acts on the application.

Allow stations operating with side-mounted digital antennas and top-mount post-transition DTV allotments to operate temporarily with their side-mounted, pre-transition DTV facilities up to one year provided that acceptable replication is provided

Allow stations the flexibility to reduce analog power temporarily by as much as 50 percent in the year leading up to February 17, 2009 in order to facilitate the build-out and start-up of post-transition DTV facilities on a timely basis.

Require that MVPDs using downconverting equipment at the headend deploy the necessary decoding equipment to respond to any Active Format Description ("AFD") information included in a broadcaster's transport stream and then pass that information on to their customers.

Eliminate the required 1 dB power reduction in the rules for stations proposing to use beam-tilting in excess of 1 degree.

Remove the power limitation imposed on VHF stations in Zone 1